

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2019 AgendaItem #W-11

## Subject

Requests by three County Offices of Education to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow William Curd, Aaron McDaniel, and David O’ Campo to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* San Luis Obispo County Office of Education 6-1-2019
* Santa Barbara County Office of Education 17-1-2019
* Sutter County Office of Education 11-11-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if William Curd, Aaron McDaniel, and David O’ Campo qualify for an educational interpreter waiver to provide educational interpreting services until June 30, 2019.

## Authority for Waiver

California *Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends that the SBE approve the waiver requests by the county offices of education with the following conditions:

San Luis Obispo County Office of Education (San Luis Obispo COE), William Curd

1. The San Luis Obispo COE must provide individual mentoring and professional development activities by a certified interpreter to work with Mr. Curd. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Mr. Curd will observe other interpreters providing services in classroom settings.
3. Mr. Curd will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase his reception abilities.
4. Mr. Curd is scheduled to take the Educational Interpreter Performance Assessment (EIPA) exam on March 4, 2019. By June 30, 2019, the San Luis Obispo COE will provide CDE with new assessment scores for Mr. Curd.

Santa Barbara County Office of Education (Santa Barbara COE), Aaron McDaniel

1. The Santa Barbara COE must provide individual mentoring and professional development activities by a certified interpreter to work with Mr. McDaniel. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Mr. McDaniel will observe other interpreters providing services in classroom settings.
3. Mr. McDaniel will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase his reception abilities.
4. Mr. McDaniel is scheduled to take the Educational Interpreter Performance Assessment (EIPA) exam on February 24, 2019. By June 30, 2019, the Santa Barbara COE will provide CDE with new assessment scores for Mr. McDaniel.

Sutter County Office of Education (Sutter COE), David O’Campo

1. The Sutter COE must provide individual mentoring and professional development activities by a certified interpreter to work with Mr. O’Campo. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Mr. O’Campo will observe other interpreters providing services in classroom settings.
3. Mr. O’Campo will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase his reception abilities.
4. Mr. O’Campo took the Educational Interpreter Performance Assessment (EIPA) exam on December 10, 2018. By June 30, 2019, the Sutter COE will provide CDE with new assessment scores for Mr. O’Campo.

## Summary of Key Issues

The Individual with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are Deaf or Hard of Hearing meet state-approved or state-recognized certification, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations*, Section 3051.16(b)(3) requires the following:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

San Luis Obispo COE

Mr. Curd was hired by the San Luis Obispo COE on August 22, 2018 as an Interpreter for the Deaf. He is assigned to work with students in grades 3-6 in a Deaf and Hard of Hearing Special Day Class at Fairgrove Elementary School.

The San Luis Obispo COE assigned a mentor to work with Mr. Curd for mentorship and guidance on improving his sign language skills. They are located at the same elementary school site, and work together to support students at the school. His mentor, a certified Interpreter for the Deaf, provides constant feedback to Mr. Curd on his performance as an interpreter and will continue in this role throughout the remainder of the school year.

Mr. Curd first took the EIPA Assessment on May 19, 2012 and received a score of 3.5. He is scheduled to retake the EIPA Assessment exam on March 4, 2019.

Santa Barbara COE

Mr. McDaniel works as an Educational Interpreter for a junior high school-aged student with significant learning disabilities enrolled in a Deaf and Hard of Hearing Special Day Class. The student signs and understands at an intermediate level, and requires signing to be presented at a slower pace and in simplified terms.

Mr. McDaniel is assigned to work with a Certified Interpreter with whom he meets on a weekly basis. He is on a remediation plan created by the Santa Barbara COE to increase his skill level. The remediation plan includes 1 to 1 mentoring, classroom observations of certified interpreters, videotaping of his interpreting skills with follow up feedback provided, and regular review of blogs and videos about American Sign Language grammar and syntax.

Mr. McDaniel took the EIPA Assessment on April 29, 2018 and received a score of 3.7. He was scheduled to retake the EIPA Assessment exam on February 24, 2019.

The Santa Barbara COE has two other interpreters on SBE waivers, Christina Corley Cradduck for 7-1-2018 through 6-30-19 and Crystal Snow for 7-1-2018 through 6-30-2019.

Sutter COE

Mr. O’Campo was hired by the Sutter COE on August 3, 2015 as a Para Educator with Signing Skills. He was promoted on August 10, 2017 to an Educational Interpreter-Elementary Level.

Mr. O’Campo is on a remediation plan created by the Sutter COE to increase his skill level. The remediation plan includes individual mentoring and professional development activities by a Certified Interpreter. His work with this mentor includes meeting weekly to focus on skill development, peer mentoring, job shadowing other certified interpreters, and attending deaf community events

Mr. O’Campo took the EIPA Assessment on September 12, 2016 and received a score of 3.8. He took the EIPA Assessment exam on December 10, 2018 and is waiting to receive results.

**Demographic Information:**

The San Luis Obispo County Office of Education has a Deaf and Hard of Hearing student population of 6 and is located in San Luis Obispo, California.

The Santa Barbara County Office of Education has a Deaf and Hard of Hearing student population of 3 and is located in Santa Barbara, California.

The Sutter County Office of Education has a Deaf and Hard of Hearing student population of 9 and is located in the rural part of Sutter County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>

## Summary of Previous State Board of Education Discussion and Action

In 2002, the SBE approved regulations that required educational interpreters to be certified by the RID, or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

In November, 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE Web site at <https://www.cde.ca.gov/re/lr/wr/documents/interpreter.docx>

The Sutter COE was previously granted a waiver by the SBE for Mr. O’Campo to provide services for deaf and hard of hearing students at the January 2018 SBE meeting. The term of this waiver, waiver number 12-9-2017, ended June 30, 2018.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** San Luis Obispo County Office of Education General Waiver Request 6-1-2019 (2 pages), (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Santa Barbara County Office of Education General Waiver Request 17-1-2019 (2 pages), Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Sutter County Office of Education General Waiver Request 11-11-2018 (2 pages), (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 6-1-2019 | San Luis Obispo County Office of Education | **Requested:**August 22, 2018to June 30, 2019**Recommended:**August 22, 2018to June 30, 2019 | California School Employees AssociationJacki Seibert, Chapter President8/23/18**Support** | Notice of Public Hearing advertised on district website, local media email distribution list, school district email distribution list, and posting at district office. Vote held on 9/26/18**No Objection** |
| 17-1-2019 | Santa Barbara County Office of Education | **Requested:**January 29, 2019 to January 29, 2020**Recommended:**January 29, 2019 to June 30, 2020 | California School Employees AssociationChapter #817Leticia Padilla, President1/22/19**Support**  | Notice of Public Hearing was posted and distributed to all work sites in the county.Vote held on 1/3/19**No Objection** |
| 11-11-2018 | Sutter County Office of Education | **Requested:**August 14, 2018to June 30, 2019**Recommended:**August 14, 2018to June 30, 2019 | California School Employees AssociationChapter #634 Heather MurrayPresident10/16/18**Support** | Notice of a Public Hearing was advertised in local newspaper and posted at the Sutter COE. Vote held on 11/14/08 **No Objection** |

Created by California Department of Education
February 13, 2019

# Attachment 2: San Luis Obispo County Office of Education General Waiver Request 6-1-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4010405

Waiver Number: 6-1-2019

Active Year: 2019

Date In: 1/9/2019 8:57:30 AM

Local Education Agency: San Luis Obispo County Office of Education

Address: 3350 Education Dr.

San Luis Obispo, CA 93405

Start: 8/22/2018

End: 6/30/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: [By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: William Curd has been hired for the Interpreter for the Deaf position with the San Luis Obispo County Office of Education. His hire date and first day with students was 8/22/18. William took the EIPA Assessment on May 19, 2012 and received a score or 3.5.

San Luis Obispo County Office of Education recruited for this position via www.edjoin.org. Unfortunately other suitable candidates had no certification or did not pass the required exam. William Curd was selected for the position with the understanding that he would need to reach the state-required RID certification or other qualified certification in order to continue in this position.

Student Population: 6

City Type: Suburban

Public Hearing Date: 9/6/2018

Public Hearing Advertised: Company website, Physical posting at main office, Local media email distribution, School district email distribution

Local Board Approval Date: 9/26/2018

Community Council Reviewed By: Personnel Commission

Community Council Reviewed Date: 9/26/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jenni Pong

Position: Human Resources Specialist

E-mail: jpong@slocoe.org

Telephone: 805-782-7248

Bargaining Unit Date: 08/23/2018

Name: California Schools Employee Association

Representative: Jacki Seibert

Title: Chapter President

Position: Support

Contact Number: 805-782-7218

Comments: None

# Attachment 3: Santa Barbara County Office of Education General Waiver Request 17-1-2019

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4210421

Waiver Number: 17-1-2019

Active Year: 2019

Date In: 1/29/2019 11:17:16 AM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 1/29/2019

End: 1/29/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: *California Code of Regulations*, Title 5 (5 *CCR*) Section 3051.16

Specialized Services for Low-Incidence Disabilities.

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

The strike-out on the preceding Section 3051.16 (b)(3) indicates the exact language being waived but is still valid.

Outcome Rationale: Locating and hiring qualified ASL Interpreters is an ongoing challenge in our area. Keeping up with needs as staffing and demographics change makes keeping up with Interpreter needs extremely difficult. Hiring staff who are currently in the process of becoming fully-certified as ASL Interpreters becomes a necessity in these situations in order to maintain required student/interpreter ratio.

Student Population: 3

City Type: Suburban

Public Hearing Date: 1/24/2019

Public Hearing Advertised: Posted/distributed to work sites.

Local Board Approval Date: 1/3/2019

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 1/3/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Tom Heiduk

Position: Manager, Credentials Services

E-mail: theiduk@sbceo.org

Telephone: 805-964-4711 x5266

Fax: 805-964-4713

Bargaining Unit Date: 01/22/2019

Name: CA School Employees Association Chapter 817

Representative: Leticia Padilla

Title: President

Position: Support

# Attachment 4: Sutter County Office of Education General Waiver Request 11-11‑2018

**California Department of Education**

**WAIVER SUBMISSION – General** CD Code: 5110512

Waiver Number: 11-11-2018

Active Year: 2018

Date In: 11/15/2018 10:20:31 AM

Local Education Agency: Sutter County Office of Education

Address: 970 Klamath Ln.

Yuba City, CA 95993

Start: 8/14/2018

End: 6/30/2019

Waiver Renewal: Yes

Previous Waiver Number: 12-9-2017-W-15

Previous SBE Approval Date: 1/18/2018

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Outcome Rationale: Mr. O'Campo scored a 3.8 on the EIPA in September 2016. He was due to take the EIPA again during the 2017-2018 school year but was unable to secure an assessment date due to the diagnostic center updating their video equipment and not scheduling assessments.

Mr. O'Campo is a valuable employee who provides services to our deaf and hard of hearing students, and we would like to continue preparing him through mentoring and training to take the assessment as soon as allowable with the expectation that he will be able to obtain a score of 4.0.

Student Population: 358

City Type: Rural

Public Hearing Date: 11/14/2018

Public Hearing Advertised: Notice in the local newspaper and posted at the County Office of Education

Local Board Approval Date: 11/14/2018

Community Council Reviewed By: Sutter County Board of Education and Community Advisory Committee (CAC)

Community Council Reviewed Date: 8/18/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Wendy Bedard

Position: Human Resources Director

E-mail: wendyb@sutter.k12.ca.us

Telephone: 530-822-2905

Fax: 530-671-3422

Bargaining Unit Date: 10/16/2018

Name: CSEA, Chapter 634

Representative: Heather Murray

Title: CSEA President, Chapter 634

Position: Support